



## Office of the Town Manager

Rafael G. Casals, ICMA-CM, CFM  
Town Manager

# MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Rafael G. Casals, ICMA-CM, CFM, Town Manager

**Date:** October 16, 2019

**Re:** Amending Section 26-251 – Registration of Abandoned Real Property  
(*Second Reading*)

*\* Changes between 1<sup>st</sup> and 2<sup>nd</sup> reading are highlighted in yellow ~~double~~  
~~strikethrough/~~ double underline*

## REQUEST

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 26 “PROPERTY MAINTENANCE AND CONTROL” OF THE TOWN CODE OF ORDINANCES RELATING TO THE REGISTRATION OF ABANDONED REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.**

## BACKGROUND AND ANALYSIS

On September 17, 2008, Town Council adopted Ordinance No. 08-16, to include provisions related to the registration, maintenance and security of abandoned real property in order to address the growing number of foreclosed property that the Town was experiencing at the time. In February 2010, the Town contracted Community Champions, to facilitate the process of registering properties within the Town and obtaining lender property preservation department contact information. The Community Champions contract was subsequently renewed on March 17, 2016.

On November 17, 2010, Town Council adopted Ordinance No. 10-14, amending Ordinance No. 08-16 to include language requiring that the registration be required at the time of lis pendens, regardless of occupancy, in order to address the issue of abandoned properties in disrepair early in the potential sale and/or foreclosure process. With the adoption of the Town Code on October 19, 2016, Chapter 19 was codified into Chapter 26 of the Town Code. The Code section pertaining to the Registration of Abandoned Real Property has been codified to read as, Section 26-251 which reflects changes from both Ordinance No. 08-16 and Ordinance No. 10-14.





On November 15, 2017, the Town Council adopted Ordinance No. 17-08, amending Section 26-251 “Registration of Abandoned Real Property” requiring an annual renewal registration fee of \$150.00. As a result of the annual renewal registration fee, the Town received approximately \$39,000.00 in the fiscal year 2017-18. Currently there are 293 vacant properties registered with the Town, which is far less than in 2017 when the Town had over 1,800 registered properties.

Town staff is recommending an increase of the annual renewal registration fee of \$50.00, which will bring the Town’s annual registration fee of \$200.00 in par with other municipalities (*Attachment “A”*).

Additionally, the Town was notified by the Federal Housing Finance Agency, who is the regulator and conservator of both Fannie Mae and Freddie Mac, that these agencies are exempt from all State and Local taxations [except taxation of Real Property] (*Attachment “B”*).

As a result, Town staff is recommending that the Federal Housing Finance Agency (Fannie Mae and Freddie Mac) be exempt from paying the Town’s annual registration fee. The Federal Housing Finance Agency will still be required to register its information with the Town.

## **RECOMMENDATION**

Staff recommends the Council adopt the attached Ordinance amending Section 26-251 “Registration of Abandoned Real Property.”

## **ATTACHMENT(S)**

- Attachment “A” – Community Champions Local Government Client List
- Attachment “B” – Federal Housing Finance Agency (FHFA) Letter (*dated 06/10/19*)
- Attachment “C” – Advertisement Miami Herald Neighbors Section  
(*dated October 6, 2019*)

